

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHERIE L. MOORE,  
Plaintiff,  
  
v.  
  
KROGER COMPANY,  
Defendant.

Case No. [13-cv-04171-JD](#)

**ORDER OF DISMISSAL**

Re: Dkt. No. 68

The Court having been advised the parties have agreed to a settlement of this cause, **IT IS**  
**HEREBY ORDERED** that this cause of action is dismissed **without** prejudice; provided,  
however that if any party hereto shall certify to this court, within ninety (90) days, with proof of  
service thereof, that the agreed consideration for said settlement has not been delivered over, the  
foregoing order shall stand vacated and this cause shall forthwith be restored to the calendar to be  
set for trial.

If no certification is filed, after passage of ninety (90) days, the dismissal shall be **with** prejudice.

Dated: September 4, 2014

  
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JAMES DONATO  
United States District Judge